IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA ABINGDON DIVISION

) Case No. 1:08CV00019
) FINAL JUDGMENT
) By: James P. Jones
) Chief United States District Judge
)
)
)

For the reasons stated in the opinion accompanying this final judgment, it is **ADJUDGED AND ORDERED** as follows:

- 1. The objections to the magistrate judge's report and recommendation are granted in part and denied in part;
- 2. The magistrate judge's report and recommendation is **accepted in** part and rejected in part;
- 3. The motion for summary judgment by the Commissioner of Social Security ("Commissioner") is **denied** and the motion for summary judgment by the plaintiff is **denied**;

- 4. The final decision of the Commissioner is **vacated** and the case is **remanded** for further administrative proceedings pursuant to the fourth sentence of 42 U.S.C.A. § 405(g), consistent with the opinion of the court; and
 - 5. The clerk is directed to close the case.

ENTER: August 1, 2009

/s/ James P. Jones

Chief United States District Judge